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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/332,050	06/14/1999	JAN HOLLER	2466-29	2451

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EXAMINER

NGUYEN, STEVEN H D

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 04/02/2004

124

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/332,050

Applicant(s)

HOLLER ET AL.

Examiner

Steven HD Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/21/04 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4 and 14-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duault (USP 5600641) in view of Civanlar (USP 5828844).

Duault discloses (Fig 1-16 and col. 1, lines 10 to col. 18, lines 47) a system comprising means connected to the ATM network for identifying a telephone call which enters the ATM network at an entry port (Fig 4, SW-1), means for identifying an exit port in the ATM network through which the call is to exit (Fig 5, Ref CP-1 identifies the exit port and forward the setup message to CP-2), and means for emulating a switch which provides synchronous transfer mode (STM) resources for a virtual STM connection the STM connection being used for returning an address of the exit port to the entry port, or for forwarding an address of the entry port to the exit

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port, whereby the call can be switched directly through the ATM network (Fig 5, CES-3 is used to return the address of the exit port to the entry port by ACK message such label for using to switch the voice directly through ATM network); See col. 4, lines 52 to col. 5, lines 44; a narrowband switch in the call services network which, upon receipt of a call, make a requests for routing of the call setup request so that the call can be routed to a final destination; (Col. 7, lines 55 to col. 8, lines 10); which, in response to the request for the routing of the call setup request, establish an emulated connection between a bearer services network entry port and the a bearer services network exit port, the emulated connection being used for sending information to the bearer services network entry port so that a communication channel can be established through the bearer services network (Fig 5, Ref CP-1 and CES used to size the trunks for establishing a path between the entry and exist port) as claimed 14-16, 22-23 and 36; each switch has an emulator server (Fig 5) as claimed 17-18 and 29-30; the voice call is transparently transmitted via ATM (Fig 5) as claimed 19 and 31; a logical unit connected (Fig 4, Ref PA-A and SW) between the plural narrowband switches and the bearer services network , the logical unit emulating a virtual connection provided to the narrowband switches, the logical unit also returning over the virtual connection, to a bearer services network entry port, information so that a physical connection can be established through the bearer services network (PA-A used to emulating voice circuit to transmitting via ATM network) as claimed 24-28 and 34-35 and the narrowband switch requests a trunk for routing of the call setup request towards the final destination, and the plural switch emulators intercept the call setup request and seize plural virtual trunks to establish the emulated connection as claim 37 (Fig 5, Ref CP-1 and CES used to size the trunks for establishing a path between the entry and exist port by intercepting the call

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request) and the source and destination broadband terminal has entry and exit port for converting voice transport circuit into ATM transport (Fig 4, PA-A and PBX-A is a broadband terminal has entry port and PBX-B and PA-B has exit port and used for converting voice transport circuit into ATM transport before routing via ATM network) as claims 20-21 and 32-33. However, Duault does not fully disclose a method for returning the exit port or forwarding the entry port to destination or source via a path established by switch emulators. In the same field of endeavor, Civanlar discloses a method and system comprising a plurality of switch emulators (Fig 2, Ref NHS) for setup a path between the entry and exist port of the ATM network, using this path to forwarding the address of destination to the entry port for using this address to establish a physical channel via the ATM network for transmitting information (See Fig 2, Col. 4, lines 19-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply the emulator switch for establishing a path between the source and destination port of the ATM network for exchanging the information such address of the entry and exit port as disclosed by Civanlar's system onto Duault's system. The motivation would have been to reduce the delay of voice call.

4. Claims 2, 6-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Civanlar and Duault as applied to claims 1, 4 and 36 above, and further in view of Doshi (USP 5568475).

Regarding claims 2 and 6-7, Duault and Civanlar fail to disclose fully the claimed invention. However, in the same field of endeavor, Doshi discloses a means connected to the means for identifying the exit port and to an STM switch for emulating an STM connection to

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the STM switch (Fig 1, Ref 225) and information for call identification is sent together with the address in order to correlate the address with the call (Col. 5, lines 1-19, the dialed number is used to identify address of output port) and a unit for emulating a STM connection to a narrowband switch connected to a telecommunication network (Fig 6, Ref 245 and 255 or Fig 1, 210) comprising an ATM network comprising means for storing path requests received from the narrowband switch, means for acknowledging paths requests to the narrowband switch, and means for associating an incoming port with an outgoing port (Fig 6, Ref 255 or Fig 1, Ref 210 receives a call setup request from a narrowband switch telephone 25 and replies call setup request to the narrowband switch 25 and associating the incoming trunk with outgoing trunk in routing table; Col. 7, lines 31-63).

Regarding claims 8-10, Duault, Civanlar and Doshi fail to fully disclose the claimed invention. However, the examiner takes an official noticed that a means for contacting broadband terminals connected to the telecommunication network; means for sending the address of one broadband terminal which includes the ATM End System Address (AESAs) to another broadband terminal connected to the same network are well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a means for contacting broadband terminals connected to the telecommunication network; means for sending the address of one broadband terminal which includes the ATM End System Address (AESAs) to another broadband terminal connected to the same network to the ATM network of Duault, Civanlar and Doshi. The motivation would have been to utilize ATM network.

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Regarding claims 11 and 13, Duault and Civanlar fail to fully disclose the claimed invention. However, Doshi discloses information for call identification is sent together with the address in order to correlate the address with the call (Col. 5, lines 1-19, the dialed number is used to identify address of output port).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply Doshi's teach into Duault's system. The motivation would have been to reduce delay of the voice call.

5. Claims 3, 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duault and Civanlar/Doshi as claims 1, 4, 36 and further in view of Nakagaki (USP 5452295).

Regarding claims 3, 5 and 12, Duault fail to disclose the claimed invention. However, Nakagaki discloses means for establishing a new switched connection through the ATM network for each new telephone call by using ATM signaling and means for deciding if an already existing connection via the ATM network is to be used or if a new ATM connection is to be established (Fig 12, the telephone call is setup by ATM signaling and determined that if the old connect is disconnected by timer or not if yes establishing a new connection).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method for setup a telephone call via ATM network by using ATM signaling and determined if an old connection existed or not as disclosed by Nakagaki's system into the system of Duault/Doshi. The motivation would have been to allocate a band for a telephone call.

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*Conclusion*

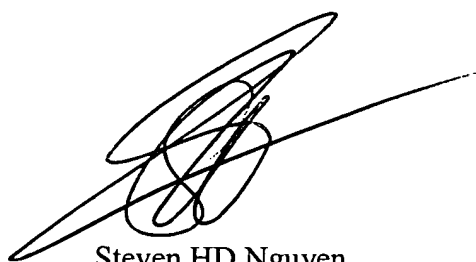
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Maroulis (USP 6584094) discloses a method and system for exchanging the entry and exit IP address gateway via PSTN or SS7 and using this for establishing a communication channel via Internet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a horizontal line extending to the right.

Steven HD Nguyen  
Primary Examiner  
Art Unit 2665  
3/29/04